

Appl. No. 10/657,233

Reply to: Office Action of March 21, 2006

Title: LIQUID DELIVERY SYSTEM OF GAS MASK

In the Drawings

Please amend the Drawing Figures as follows:

Replacement Sheets for drawing figures 1 through 16 of the instant application are enclosed.

REMARKS

Applicant has reviewed the Office Action mailed March 21, 2006. Claims 1 and 3 are being amended and claims 2 and 4 are being cancelled by this Response. Thus, claims 1, 3, and 5 through 34 are pending in the application. Applicant acknowledges Examiner's indication of allowance of claims 20-34. Applicant hereby requests further examination and reconsideration of the application in view of the following remarks.

Drawings

As requested by the Examiner, correction of the drawings has been made and are submitted with this Response. Therefore, it is believed that this requirement has been met. If this is not the case, the Applicant respectfully requests that the Examiner state with specificity the deficiencies which need to be addressed.

Claim Rejection -- 35 U.S.C. §112

Claim 10 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner states that in regard to claims 10 and 11, it is indefinite as to how the spring biasing means opens the stopper, since it is used to keep the stopper closed. Applicant respectfully traverses this rejection for the following reasons and requests that that rejection be withdrawn.

Utilizing the spring as an example of a biasing means of the present invention and without limiting the scope of biasing means provided by the instant application, the Applicant draws the Examiner's attention to pages 9 and 10, more particularly paragraphs [0040] through [0042], which discuss the use and function of the spring as the biasing means within the adapter of the present invention. The disclosure provided in these paragraphs instructs that the spring 290 is in contact with the stopper 220 and the lid 300. Further, in a closed position (aka., "a first position" as recited in claim 9) the spring 290 biases the stopper 220 downward and away from the lid 300 to compress gasket 270 and create an airtight seal. Thus, preventing the flow of liquid past the stopper and through the adapter.

The specification goes on to disclose the following:

The stopper 220 is displaced within the outlet chamber 170 when a

displacing force, sufficient in magnitude to overcome the compressive load of the spring 290, is exerted on the rod-shaped lower portion 230 of the stopper 220 in a direction parallel to the longitudinal axis 330 of the stopper 220. The longitudinal displacement of the stopper 220 further compresses the spring 290 and unseats the gasket 270.

(Paragraph [0042]) The unseating of the gasket “permits liquid to flow through the adapter 10.” (Paragraph [0042]). As recited and defined by claim 9, “a second position, wherein the liquid is permitted to flow through the flow path.” Therefore, the displacing force exerted upon the spring 290 (biasing means) allows the spring 290 to move into a second “open” position whereby the stopper 220 and gasket 270 are displaced from their first “closed” positions to a second “open” position and wherein liquid flows through the adapter 10. Thus, the spring 290, through contact with the stopper 220 is enabled to move the stopper 220 in a first “closed” position and a second “open” position.

For these reasons Applicant respectfully requests the withdrawal of the §112, second paragraph rejection of claim 10. Applicant respectfully submits that claim 10 is in condition for allowance and requests notification to that effect.

Claim Rejection – 35 U.S.C. §102 and 35 U.S.C. §103

Claims 1-3, 5, 9, and 19 were rejected under 35 U.S.C. §102(b) as being anticipated by Diggelmann. Applicant respectfully submits that the amendment of independent claim 1 obviates this rejection. Further, since claim 2 has been cancelled and claims 3, 5, 9, and 19 all properly depend from independent claim 1, Applicant respectfully requests the withdrawal of the §102 rejection of these claims.

Claims 10 and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Diggelmann in view of Blenkush. Applicant respectfully submits that the amendment of independent claim 1, from which claims 10 and 11 properly depend through dependent claim 9, obviates this rejection and respectfully requests the withdrawal of the §103(a) rejection of these claims..

For these reasons Applicant respectfully requests the withdrawal of the §102 and §103 rejections and allowance of claims 1, 3, 5, 9, 10, 11, and 19.

CONCLUSION

In light of the forgoing, reconsideration and allowance of the claims is earnestly solicited. Accordingly, notification to that effect is earnestly requested. In the event the indication of allowability is withdrawn, applicants reserve the right to amend the claims back to the original form for further prosecution, without prejudice, disclaimer or estoppel. In the event that issues arise in the application which may readily be resolved via telephone, the Examiner is kindly invited to telephone the prosecuting attorney, identified below, at (410) 347-8754 to facilitate prosecution of the application.

Respectfully submitted,

Dale Kline,

Dated: June 16, 2006

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